

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION

PATRICK CODY,  
Plaintiff

v.

Civil Action No.: 05-10290PBS

SPRINGFIELD TERMINAL RAILWAY  
COMPANY and BOSTON AND MAINE  
CORPORATION,

Defendants

**RULE 16(O)(3) CERTIFICATION**

This is to certify that the Plaintiff, Patrick Cody, and his counsel, Thomas J. Joyce, III, Esquire and Michael J. McDevitt, Esquire, have conferred to establish a budget for the full litigation of the above-captioned matter as well as a budget for various alternative courses. Patrick Cody and his counsel have further discussed the resolution of the litigation through the use of Alternative Dispute Resolution programs, and Plaintiff and Plaintiff's counsel feel that this case may benefit from mediation prior to jury trial.

Respectfully Submitted,

ATTORNEY FOR PLAINTIFF

/s/ Thomas J. Joyce, III, Esquire  
Thomas J. Joyce, III, Esquire  
HANNON & JOYCE

PLAINTIFF

ATTORNEY FOR PLAINTIFF

/s/ Michael J. McDevitt, Esquire  
Michael J. McDevitt, Esquire  
LAWSON & WEITZEN, LLP  
Local Counsel for Plaintiff  
88 Black Falcon Avenue, Suite 345  
Boston, MA 02210

/s/ Patrick Cody  
Patrick Cody

Dated: 5-17-2005